

Council/Agency Meeting Held: _____	City Clerk's Signature _____
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: January 3, 2005	Department ID Number: ED 05-01

CITY OF HUNTINGTON BEACH REQUEST FOR CITY COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR CITY COUNCIL MEMBERS
SUBMITTED BY: PENELOPE CULBRETH-GRAFT, DPA, CITY ADMINISTRATOR
PREPARED BY: DAVID BIGGS, Director of Economic Development
 ROBERT F. BEARDSLEY PE, Director of Public Works

SUBJECT: Adopt Resolution for Summary Vacation of Excess Right-of-Way,
 a Public Service Easement *Res. 2005-2*

2004 DEC 21
 HUNTINGTON BEACH, CA
 CITY CLERK

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: The property owner at 5842 Trophy Drive requests that the City adopt a resolution to summarily vacate a public service easement (drainage purposes) that encumbers a portion of their property pursuant to California Streets and Highways Code Section 8333(a). Public notice is not required for summary vacation.

Funding Source: Not applicable.

Recommended Action: Motion to:

1. Adopt Resolution No. *2005-2*, a resolution of the City Council of the City of Huntington Beach ordering the summary vacation of the public service easement identified as Lot A, adjacent to Lot 58 of Tract 4243 (commonly known as 5842 Trophy Drive).
2. Instruct the City Clerk to record the said Resolution and attached exhibits with the Orange County Recorder.

Alternative Action(s): Deny the recommended action.

Analysis: On March 19, 1962, a public service easement to the City of Huntington Beach for drainage purposes identified as Lot "A", adjacent Lot 58 of Tract 4243, more commonly known as 5842 Trophy Drive, was accepted by the City Council as part of the map approval process and subsequently recorded with the Orange County Recorder's Office.

This public service easement was intended to provide the City with alternative drainage capabilities and access to the Orange County Flood Control District Right of Way (East Garden Grove-Wintersburg C05 Channel). Current design of the area drainage system does not require the use of the easement for its intended purpose. Consequently, the public service easement encumbering Lot "A" also identified as Assessor Parcel Number 146-312-01,

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REQUEST FOR ACTION

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is not required for public purposes and the City is being requested to summarily vacate the easement. Upon the vacation of the easement, the surface and incidental rights to the land will revert to the underlying fee owner of the property. Unlike the general street vacation process, the summary vacation process does not have public noticing requirements, nor does it require a separate public hearing prior to the Council taking action.

Public Works Commission Action: Not required.

Environmental Status: Categorically exempt. "The proposed project is categorically exempt pursuant to Class V: Alterations in Land Use Limitations, sub-section (a) Minor street, alley, and utility easement vacations, of Resolution No. 4501 of the City of Huntington Beach."

Attachment(s):

City Clerk's Page Number	No.	Description
3	1.	Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of the Excess Public Service Easement at 5842 Trophy Drive.

E-3.2

E-3.3

ATTACHMENT #1

RESOLUTION NO. 2005 - 2

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH ORDERING THE
SUMMARY VACATION OF THE PUBLIC SERVICE
EASEMENT IDENTIFIED AS LOT A, ADJACENT LOT 58 OF
TRACT 4243 (COMMONLY KNOWN AS 5842 TROPHY DRIVE)

WHEREAS, the City Council of the City of Huntington Beach wishes to summarily vacate a public service easement which is excess right-of-way and is not required for the intended drainage purposes pursuant to California Streets and Highways Code Section 8333(a); and

Said public service easement encumbers 5842 Trophy Drive,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. Pursuant to Division 9, Part 3, Chapter 4 of the California Streets and Highways Code, commencing with Section 8333(a), the City Council hereby orders the vacation of the excess public service easement encumbering the property identified as Lot A, Adjacent Lot 58 of Tract 4243, commonly known as 5842 Trophy Drive.

2. The public service easement hereby vacated is more particularly described on the attached Exhibit A Legal Description and by reference made a part hereof. The plat described as Exhibit B and attached to Exhibit A is made a part hereof by this reference.

The City Council does hereby confirm that the public service easement herein vacated is excess and is not required for the intended or other public purposes.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 200__.

Mayor

REVIEWED AND APPROVED:

Lynette Cullerton
City Administrator

APPROVED AS TO FORM:

James M. [Signature]
City Attorney
12/21/04 12/21/04

INITIATED AND APPROVED:

Victor A. [Signature]
Director of Economic Development

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APN 146-312-01

LOT "A", OF TRACT NO. 4243, IN THE CITY OF HUNTINGTON
BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER
MAP RECORDED IN BOOK 162, PAGE(S) 49 AND 50 OF
MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY
RECORDER OF SAID COUNTY.

EXHIBIT "A"

E-3.5

THIS MAP WAS PREPARED FOR ORANGE COUNTY
ASSESSOR'S DEPT. PURPOSES ONLY. THE ASSESSOR
DOES NOT MAKE ANY GUARANTEE AS TO THE ACCURACY
OF THE INFORMATION HEREON. ALL RIGHTS RESERVED.
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FOR SE 1/4, SE 1/4, SEC. 21, T. 5S., R. 11W.

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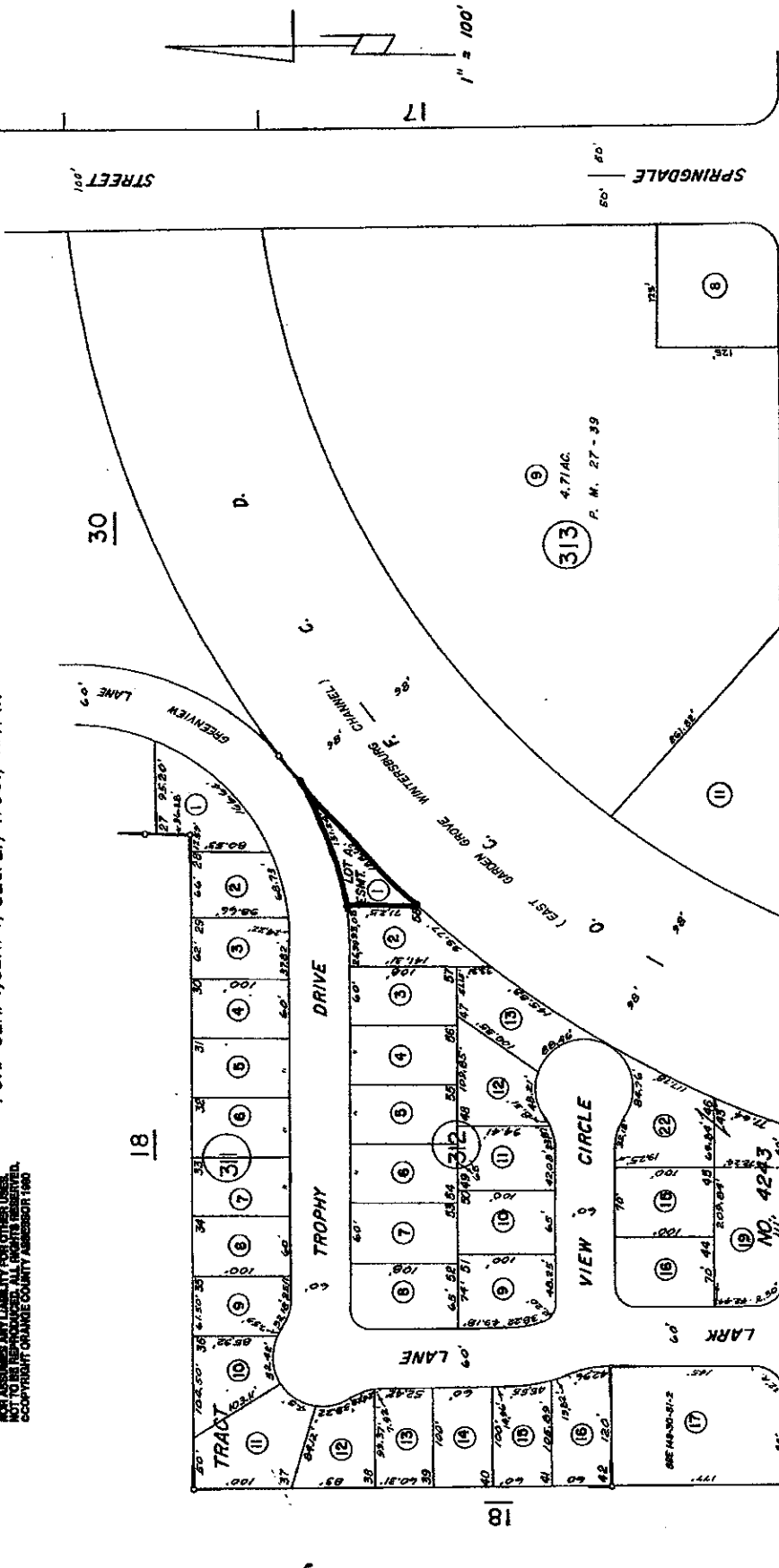


EXHIBIT "B"

WINTERSBURG AVE
WARNER
TR. NO. 4243 M.M. 162-49, 50
MARCH 1963 163-09
NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES
163-08
ASSESSOR'S MAP BOOK 146 PAGE 31
COUNTY OF ORANGE